



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live.

Frank O'Bannon
Governor

Lori F. Kaplan
Commissioner

August 21, 2003

100 North Senate Avenue
P. O. Box 6015
Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027
www.IN.gov/idem

TO: Interested Parties / Applicant

RE: Harris Kayot, Inc.
003-16307-00177
Chief, Permits Branch
Office of Air Quality

Notice of Decision: Section 112(j) Applicability Determination

Please be advised that on behalf of the Commissioner of the Department of Environmental Management, I have issued a decision regarding the enclosed matter. Pursuant to IC 4-21.5-3-5 (f) this order is effective fifteen (15) days after it is served. When served by U.S. mail, the order is effective three (3) calendar days from the mailing of this notice pursuant to IC 4-21.5-3-2(e).

If you wish to challenge this decision, IC 4-21.5-3-7 requires that you file a petition for administrative review. This petition may include a request for stay of effectiveness and must be submitted to the Office of Environmental Adjudication, ISTA Building, 150 W. Market Street, Suite 618, Indianapolis, IN 46204, **within (18) eighteen days of the mailing of this notice**. The filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing:

- (1) the date the document is delivered to the Office of Environmental Adjudication (OEA);
- (2) the date of the postmark on the envelope containing the document, if the document is mailed to OEA by U.S. mail; or
- (3) the date on which the document is deposited with a private carrier, as shown by receipt issued by the carrier, if the document is sent to the OEA by private carrier.

The petition must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision or otherwise entitled to review by law. Please identify the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, date of this notice and all of the following:

- (1) the name and address of the person making the request;
- (2) the interest of the person making the request;
- (3) identification of any persons represented by the person making the request;
- (4) the reasons, with particularity, for the request;
- (5) the issues, with particularity, proposed for consideration at any hearing; and
- (6) identification of the terms and conditions which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing documents of the type issued by the Commissioner.

If you have technical questions regarding the enclosed documents, please contact the Office of Air Quality, Permits Branch at (317) 233-0178. Callers from within Indiana may call toll-free at 1-800-451-6027, ext. 3-0178.

Enclosure

112J DET.wpd 10/22/02



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live.

Frank O'Bannon
Governor

Lori F. Kaplan
Commissioner

August 21, 2003

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027
www.IN.gov/idem

Mr. James Poiry
Harris Kayot, Inc.
2801 West State Boulevard
Fort Wayne, IN 46808

61-50 DW

Re: Response to Review Request No. 16307:
Section 112(j) Applicability Determination
Plant ID: 003-00177

Dear Mr. Poiry:

Harris Kayot, Inc., located at 2801 West State Boulevard in Fort Wayne, Indiana, submitted a request for an applicability determination regarding the requirements of Section 112(j) of the Clean Air Act (CAA) on May 15, 2002. The letter was submitted in accordance with 40 CFR 63.52(d)(1) and requested that the Indiana Department of Environmental Management, Office of Air Quality (IDEM, OAQ) determine if Harris Kayot, Inc. is subject to the requirements of Section 112(j) (40 CFR 63.50 through 63.56) for the following source categories:

- Industrial, Commercial, and Institutional Boilers and Process Heaters; and
- Miscellaneous Metal Parts and Products Surface Coating.

Pursuant to 40 CFR 63.50, the requirements of Section 112(j) will apply only if your entire source is a major source of hazardous air pollutants (HAPs) and one or more of your processes or emissions units belong in a category or subcategory for which the United States Environmental Protection Agency (U.S. EPA) has failed to promulgate an emission standard on or before the Section 112(j) deadline.

MAJOR SOURCE DETERMINATION

The information submitted indicates that Harris Kayot, Inc. is a major source of HAPs. In addition, the Title V permit for Harris Kayot, Inc., T 003-7743-00177, issued on September 23, 1998, indicates that the source is a major source of HAPs. Since Harris Kayot, Inc. is a major source of HAPs, IDEM, OAQ evaluated the source categories for which Harris Kayot, Inc. requested an applicability determination.

SOURCE CATEGORY DETERMINATION

1. **Industrial, Commercial, and Institutional Boilers and Process Heaters NESHAP**

IDEM, OAQ used the following information to determine if the natural gas-fired boiler used to produce building heat belongs to the affected source category, Industrial, Commercial, and Institutional Boilers and Process Heaters:

- The Part 1 Maximum Achievable Control Technology (MACT) Application;
- The issued Title V permit for Harris Kayot, Inc.;
- The federal rule proposal published on January 13, 2003; and
- Background information available at the U.S. EPA Air Toxics Website at <http://www.epa.gov/ttn/atw/boiler/boilerpg.html>.

There is no final MACT Standard for the Industrial, Commercial, and Institutional Boilers and Process Heaters source category at this time. The proposed rule for this source category was published in the *Federal Register* on January 13, 2003. Section 63.7490(b) of the proposed rule defines the affected source to which the Industrial, Commercial, and Institutional Boilers and Process Heaters MACT will apply as "each industrial, commercial, or institutional boiler or process heater, as defined in [40 CFR] 63.7485..." The definition of "industrial, commercial, or institutional boiler" provided in 40 CFR 63.7485(a) is: "...an enclosed device using controlled flame combustion and having the primary purpose of recovering thermal energy in the form of steam or hot water." The natural gas-fired boiler at Harris Kayot is rated at 7.0 million British thermal units per hour (mmBtu/hr), and meets the criteria in the definition of a boiler. There are no specific exclusions or exemptions regarding the size of the boiler or the specific use of the thermal energy, other than an exclusion for water heaters. Therefore, it may be reasonably determined that the natural gas-fired boiler used to produce steam for building heat will be regulated by the Industrial, Commercial, and Institutional Boilers and Process Heaters MACT.

Pursuant to 40 CFR 63.52(e)(2)(i), based on the information available at this time, IDEM, OAQ has determined that the natural gas-fired boiler at Harris Kayot, Inc. belongs to the affected source category, Industrial, Commercial, and Institutional Boilers and Process Heaters. If Harris Kayot, Inc. continues to meet the applicability criteria of 40 CFR 63.50 at the time of the Part 2 MACT Application deadline for this source category, Harris Kayot, Inc. shall submit a Part 2 MACT Application in accordance with 40 CFR 63.52(e)(2)(i) and 40 CFR 63.53(b), postmarked no later than the Part 2 MACT Application deadline. The first Part 2 MACT Application deadline for the Industrial, Commercial, and Institutional Boilers and Process Heaters source category is April 28, 2004. The most current information regarding Section 112(j), including the promulgation schedule for the remaining MACT standards, is available on the OAQ 112(j) web page at <http://www.in.gov/idem/air/permits/112j>. For the most current information regarding this source category, refer to U.S. EPA's Air Toxics Website for the Industrial, Commercial, and Institutional Boilers and Process Heaters source category at <http://www.epa.gov/ttn/atw/boiler/boilerpg.html>. Since less than three years remain on the term of your Title V operating permit and a renewal application was received on April 21, 2003, IDEM, OAQ will not reopen your permit but will include all applicable MACT requirements in your the draft renewal permit, T003-17597-00177.

2. Miscellaneous Metal Parts and Products Surface Coating NESHAP

IDEM, OAQ used the following information to determine if the cleaning and etching tanks for cleaning and etching aluminum pontoon tubes and engine motor mounts belongs to the affected source category, Miscellaneous Metal Parts & Products Surface Coating:

- The Part 1 Maximum Achievable Control Technology (MACT) Application;
- The issued Title V permit for Harris Kayot, Inc.;
- The federal rule proposal from the August 13, 2002 Federal Register; and
- Background information available at the U.S. EPA Air Toxics Website at <http://www.epa.gov/ttn/atw/misc/miscpg.html>.

There is no final MACT Standard for the Miscellaneous Metal Parts & Products Surface Coating source category. The proposed rule for this source category was published on August 13, 2002. The proposed rule for the Miscellaneous Metal Parts & Products Surface Coating NESHAP indicates that the affected source is the collection of all of the items listed below that are used for surface coating of miscellaneous metal parts and products within each subcategory. [63.3882(b)(1) through (4)]

- All coating operations as defined in 40 CFR 63.3981;
- All storage containers and mixing vessels in which coatings, thinners, and cleaning materials are stored or mixed;
- All manual and automated equipment and containers used for conveying coatings, thinners, and cleaning materials; and
- All storage containers and all manual and automated equipment and containers used for conveying waste materials generated by a coating operation.

Since the HAP usage at Harris Kayot, Inc. is for etching and cleaning and not directly surface coating activities, the Miscellaneous Metal Parts & Products Surface Coating source category will not apply to the cleaning and etching tanks.

Pursuant to 40 CFR 63.52(e)(2)(i), based on the information available at this time, IDEM, OAQ has determined that the cleaning and etching tanks at Harris Kayot, Inc. do not belong to the affected source category, Miscellaneous Metal Parts and Products Surface Coating. Harris Kayot, Inc. will not be required to submit a Part 2 MACT Application in accordance with 40 CFR 63.53(b) for this affected source category. If Harris Kayot, Inc. is subject to Section 112(j) for any other source categories, Harris Kayot, Inc. shall submit a Part 2 MACT Application for those source categories.

If U.S. EPA promulgates a final MACT standard prior to IDEM, OAQ issuing a permit containing the Section 112(j) determination requirements, a source is no longer subject to Section 112(j) for that source category, including the requirement to submit a Section 112(j) Part 2 MACT Application. A source is still subject to Section 112(j) for any other source categories that do not have promulgated MACT standards.

This determination is based on the information provided by Harris Kayot, Inc., IDEM, OAQ records, and the information currently available from the U.S. EPA. Note that if additional equipment or capacity is added or operational practices are changed (e.g., switching solvents from a solvent that contains no HAPs to a solvent containing HAPs), the Section 112(j) requirements may be triggered in accordance with 40 CFR 63.52(b). If the events described in 40 CFR 63.52(b) occur at the source, Harris Kayot, Inc. shall submit a Part 1 MACT Application in accordance with the requirements and schedule contained in 40 CFR 63.52(b).

Questions should be directed to Kim Cottrell or Rebecca Mason, IDEM, OAQ, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana, 46206-6015, or call (800) 451-6027, and ask for Kim Cottrell at extension 3-0870 or Rebecca Mason at extension 3-9664, or dial (317) 233-0870 or 233-9664.

Sincerely,

Original signed by
Paul Dubenetzky, Chief
Permits Branch
Office of Air Quality

KLC/RM

CC: File - Allen County
Allen County Health Department
Air Compliance – Jennifer Dorn
Air Permits – Duane VanLaningham and Eastern Research Group
Administration Section
U.S. EPA Region V – Genevieve Damico

Mr. Mark Schaefer
Harris Kayot, Inc.
2801 West State Boulevard
Fort Wayne, IN 46808